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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,606	07/30/2002	Sergio Lemaitre	124793	6851

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EXAMINER

CHURCH, CRAIG E

ART UNIT PAPER NUMBER

2882

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,606

Applicant(s)

LEMAITRE, SERGIO

Examiner

Craig E. Church

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

The remarks interspersed with the claims are improper and must be canceled.

The disclosure is objected to because there is no teaching of the dip[ole] field recited in claims 1 and 8. Appropriate correction is required.

Claims 1-11, 13, 14, 19, 20, 21, 25-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations conveyed by "dipole field" in claims 1 and 8 are unclear. While lines 23-24 of page 12 describe how "gridding" is achieved, there is no teaching of what the term means as in claims 6, 14, 21 and 26. Claims 5, 6, 13 and 14 recite no steps to be performed and fail to further define or limit the method of claim 1. The meaning of "larger" (than what?) in claims 9 and 27 and "increasing" (with respect to what?) in claims 10, 19 and 28 are obscure. Claims 20, 21, 25 and 26 fail to further limit the structure recited parent claim 15.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 10 and 12-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gravelle et al (5633907). Gravelle teaches an x-ray tube 10 comprising vacuum housing 11, anode 12 with a focal spot 17, differentially biased cathode 15 for emitting an electron beam 16 toward the anode and high voltage power supply means for creating a dipole field between the anode and cathode (lines 59-66 of column 2). The cathode includes negatively biased backing (forcing) electrode 24, electron emitter 26, front aperture electrode 23, grid electrode 28/29 and various power supplies 25 etc. for individually biasing each of the electrodes (lines 48 of column 2 to 25 of column 3). Lines 66 of column 3 to line 7 of column 4 and lines 11-39 of column 5 reveal that the focal spot size (and therefor the compression ratio as defined in applicant's specification) may be selectively altered. The "dipole field" claimed is not defined by applicant.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention

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were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 8 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over Gravelle in view of Wolbarst. Gravelle does not mention specific focal spot size or cathode/anode (dipole) voltage, but page 256 of Wolbarst has a table listing typical x-ray tube focal spot size from .05 mm to 2 mm, and page 100 indicates that high voltage typically ranges from 40-150 Kv, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the Gravelle system within these parameters.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references relate to flat cathode x-ray tubes.

Any inquiry concerning this communication should be directed to Examiner Church at telephone number (703) 308-4861.

Craig E Church

CRAIG E. CHURCH
Senior Examiner
ART UNIT 2882